

## Section 2: Offenders



## Offenders

*In 2003, the total adult state prison population was 16,689 (DOC), while local jails had an average daily population of 8,818 prisoners (WASPC).*

## Introduction

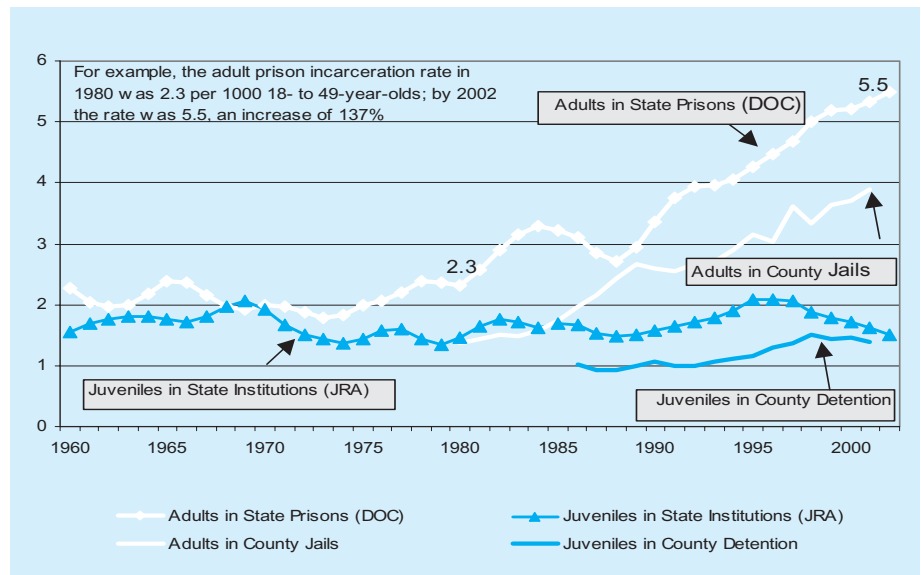
The term “offender” as it is used in this chapter primarily refers to a person convicted of a crime. Offender may also refer to persons who have been arrested, cited and released (usually for misdemeanors); those incarcerated in state prisons; and those detained in city or county jails.

In 2003, the total adult Department of Corrections (DOC) state prison population was 16,689, while local<sup>7</sup> jails had an average daily population of 8,818 prisoners (Washington Association of Sheriffs and Police Chiefs 2003). There is little demographic data on misdemeanants who did not receive imprisonment as part of the sentence.

Offenders under the age of 18 are referred to as juvenile offenders<sup>8</sup> and status offenders<sup>9</sup>. Youth offenders are held in county detention facilities or state juvenile rehabilitation centers. In 2003, there were 32,898 youth in county detention facilities (Governor’s Juvenile Justice Advisory Council, 2003) while, 1,196 (Washington State, Juvenile Rehabilitation Authority) youth were admitted to juvenile rehabilitation centers.

In Washington the adult incarceration rate for both state prisons and county jails has increased substantially from the 1960’s, while the incarceration rate for juveniles in state institutions has remained relatively stable, though county detention rates have increased. (Washington State Institute for Public Policy, 2003). Figure 2-1 shows that the number of adults in prison has increased 137 percent from 1980.

**FIGURE 2-1**  
**Adult and Juvenile Incarceration Rates in Washington State: 1960-2002**  
(The Number of Adults Incarcerated Per 1,000 18- to 49-Year-Olds, and the Number of Juveniles Incarcerated per 1,000 10- to 17-Year-Olds)



Source: Washington State Institute for Public Policy 2003

<sup>7</sup>Locally, city and county, administered facilities that house individuals awaiting hearing or arrest, and persons with sentences shorter than a year.

<sup>8</sup> Juveniles who have committed a crime

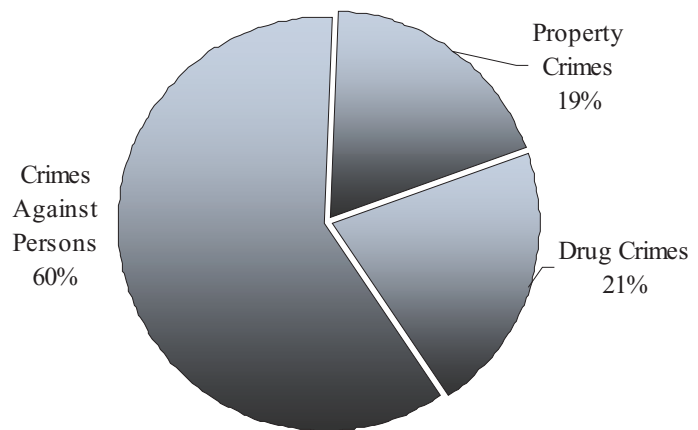
<sup>9</sup> Juveniles who are runaways, truant from school or who have violated a curfew.

*In 2002, 60 percent of the Washington prison population was serving time for crimes against persons, 19 percent for property crimes, and 21 percent for drug offenses.*

## Section I: Adult Offenders in Washington State

As figure 2-2 indicates, in 2002, most of the adult Washington state prison population was serving time for crimes against persons. In 2002, 60 percent of the Washington prison population was serving time for crimes against persons, 19 percent for property crimes, and 21 percent for drug offenses. At the end of September 2003, 20.5 percent of the adult offenders in prison were serving a sentence that was less than 2 years, and 3 were serving a life sentence<sup>10</sup> (Washington State Department of Corrections).

FIGURE 2-2  
Department of Corrections  
Type of Crimes 2002



Source: Washington State Department of Corrections 2002

While some offenders committed to prison will spend the rest of their lives in confinement, the Department of Corrections (DOC) estimates that 97 percent will return to the community. This population typically requires community supervision upon release. The DOC Planning and Research Section reported that as of September 30, 2003, 16,064 persons were confined in prison or work release facilities in Washington and 94,605 persons were on field supervision (<http://www.doc.wa.gov/planningresearch/studies.htm>). Of these, as shown in table 2-1 more than 1/3 of those released require active supervision.

TABLE 2-1  
Department of Corrections  
Field Supervision Caseload, September 2003

Active Supervision	34,153
Inactive Supervision	26,399
Monitored (Collection and Monetary Obligations only)	34,053
<b>Total Field Supervision</b>	<b>94,605</b>

Source: Washington State Department of Corrections Research and Planning Section, 2003

<sup>10</sup> This includes the eleven persons sentenced to death.

A study of recidivism by the Washington State Institute of Public Policy (WSIPP) of 3,048 persons released from prison in 1990 and who returned to prison during the following 8 years, found that drug offenders are most likely to return for drug offenses, property offenders are most likely to return for property offenses, and violent offenders are most likely to return for violent offenses (Aos, 2003).

TABLE 2-2 Recidivism by Type of Offense				
Most Serious Offense	Violent Offense Risk Management Level A /B	Sex Offense Risk Management Level A /B	Property Offense	Drug Offense
Recidivism Offense				
Violent Offense	22.9%	19.5%	11.9%	10.20%
Sex Offense	3.3%	34.6%	1.3%	1.1%
Property Offense	41.7%	30.2%	63.1%	18.0%
Drug Offense	32.1%	15.6%	23.8%	70.8%

Source: Aos, 2003

The Supplemental Security Income (SSI) Cost Offset Pilot Project 2002 Progress Report provides the results of a study of 8,213 SSI clients who had a record of arrest or conviction and needed substance abuse treatment (Estee 31 2003). The arrest rate in the 12 months following treatment was 43 percent lower for the treatment group compared to the arrest rate for the untreated group.

### Demographic, Socio-Economic, and Criminal Attributes of the Adult Offender Population

In Washington State males make up 87 percent of the adults incarcerated in county jails (Washington Association of Police Chiefs, 2002) (see table 2-5) and 92 percent of the state corrections facilities' population (Washington State Department of Corrections)(see table 2-4). Approximately 71 percent of adults in county jails and state corrections facilities are white (Washington State Department of Corrections).

The 2001 census update estimated population for Washington State was 5,987,973. Table 2-3 shows the percentage of composition of race and ethnicity. This data reflects that 78.8 percent of the total population in Washington State is white. African Americans make up 3.2 percent of Washington's total population (table 2-3), but account for 12 percent of the adults in county jails (table 2-5) and 21.1 percent of the state prison population (table 2-4).

TABLE 2 –3 Estimated Washington State Population Race/Ethnicity Demographics 2001	
Race/Ethnicity	Percentage
White	78.8%
African American	3.2%
Asian	5.5%
Hispanic	7.5%
Other	5%

Source: US Census Bureau, 2001

*In Washington State males make up 87 percent of the adults incarcerated in county jails and 92 percent of the state corrections facilities' population.*

*In 2002, county jail administrators reported an average daily population of 8,818, which included 7,674 men and 1,276 women prisoners.*

TABLE 2 –4  
Washington Department of Corrections  
Prisoner Count, September 2003

	Count	Percentage
<b>Gender</b>		
Male	14,788	92%
Female	1,276	8%
<b>Race/Ethnicity</b>		
White	11550	71.5%
African American	3433	21.1%
Native American	631	3.9%
Asian	421	2.6%
Unknown/Other	29	.9%
Hispanic	1655	10.3%
<b>Total September 2003</b>	<b>16,064</b>	

Source: Washington State Department of Corrections, 2003

*Department of Corrections (DOC) Offender Demographics* – The Department of Corrections maintains statistics on offenders in state institutions. DOC prisoners in September 2003 numbered 16,064. As shown in table 2-3, the majority of prisoners are white males, though proportionately more African Americans are incarcerated.

The average age of the confined adult offender in Washington State is 35.9 years (Washington State Department of Corrections). The chapter on corrections in this report contains additional information about jail and prison capacity, the confined population, and correctional programs.

From January 31, 2001 through January 31, 2002, the Washington prison population increased 6 percent as compared to 2.6 percent nationally (Harrison 2003).

*County Jail Offender Demographics* – The Washington State Association of Sheriffs and Police Chiefs (WASPC) tracks data related to offenders served by city and county law enforcement agencies. As shown in Table 2-5, the racial composition is similar to the September 2003 DOC population, in that the majority of offenders in county jails are white male and proportionately there are more African Americans. In 2002, County jail administrators reported to the Washington State Association of Police Chiefs, an average daily population of 8,818, which included 7,674 men and 1,276 women prisoners.

TABLE 2 –5  
Washington State  
County Jail Average Daily Population 2002

	Count	Percentage
<b>Gender</b>		
Male	7,674	87%
Female	1,276	13%
<b>Race/Ethnicity</b>		
White	6,285	71%
African American	1,047	12%
Native American	387	4%
Asian	163	2%
Hispanic	915	10%
Other	20	.002%
<b>Total</b>	<b>8,818</b>	

Source: Washington State Association of Police Chiefs, 2002

## Socio-Economic Attributes: Education, Employment, Family and Health

National data shows that offenders are less likely to have completed high-school and have gainful employment as compared to the general population. They are often not married or divorced. Additionally, they tend to have greater health issues than the average population.

### Education

*Educational Achievement* - A Bureau of Justice Statistics report describes the educational achievement levels nationally for jail and prison inmates. The author, Caroline Harlow, compared educational attainment data for state, federal, local prison, jail and probationer populations for 1996. She found, nationally, 39.7 percent of state prison inmates have not completed high school, as compared to 18.4 percent of the general population. She also found that inmates with less than a high school degree were less likely to be employed (35 percent) at the time of arrest; those with some college were more likely to be employed (69.9 percent). These results are summarized in table 2-6.

TABLE 2-6 National Data for Educational Attainment 1997				
Educational Attainment	Prison Inmates		Local Jail Inmates 1996	General Population
	State 1997	Federal 1997		
8 <sup>th</sup> Grade or Less	14.2%	12.0%	13.1%	7.2%
Some High School	25.5%	14.5%	33.4%	11.2%
GED	28.5%	22.7%	14.1%	....
High School Diploma	20.5%	27.0%	25.9%	33.2%
Postsecondary/Some College	9.0%	15.8%	10.3%	26.4%
College Graduate or More	2.4%	8.1%	3.2%	22.0%

Source: Harlow, 2003

The City and County Jails in the State of Washington report conducted by Ed Vukich for the Department of Social and Health Services (DSHS) describes the socio-economic attributes of the jail population in Washington. In a one-week measurement, during 1999, Vukich found that 57.1 percent of the County Jail inmates and 55.1 percent of the City Jail inmates have less than 12 years of education (see table 2-7).

TABLE 2-7 Washington State Educational Attainment County and City Jails, 1999		
Educational Attainment	County Jails	City Jails
< 12 Years	57.1%	55.1%
12 Years +	42.9%	44.9%

Source: Vukich and Daniels, 2000

*In a one-week measurement, during 1999, Vukich found that 57.1 percent of the County Jail inmates and 55.1 percent of the City Jail inmates have less than 12 years of education.*

### Employment Status

*Employment* – Table 2-8 reflects the employment status of county and city jail inmates in Washington at the time of arrest in 1999. About 1/2 of the offenders in local jails were employed at the time of arrest, however of these, only about 1/3 were employed full-time. Nearly 50 percent of the offenders were not employed, many of which were not looking for employment (Vukich and Daniels).

TABLE 2 –8			
Washington State Employment at Arrest County and City Jail Inmates 1999			
Employment Status	County Jail Inmates	City Jail Inmates	Local Facility Mean
Employed Full-Time	35.9%	33.5%	34.7%
Employed Part-Time	6.7%	7.8%	7.25%
Employed Occasionally	5.7%	10.8%	8.25%
<b>Total Employed</b>	<b>48.3%</b>	<b>52.1%</b>	<b>50.2%</b>
Unemployed/Looking	18.8%	34.1%	26.45%
Unemployed/Not Looking	32.9%	13.8%	23.35%
<b>Total Unemployed</b>	<b>51.7%</b>	<b>47.9%</b>	<b>49.8%</b>

Source: Vukich and Daniels, 2000

### Family and Home Life

*Marital Status* – Table 2-9 shows the marital status of Washington state county and city jail inmates at the time of arrest in 1999. Many offenders have never been married--55.6 percent of the offenders in county jails and 49.4 percent in city jails were never married (Vukich and Daniels). 22.5 percent of the county jail inmates, and 20.4 percent of the city jail inmates were divorced.

TABLE 2 –9		
Washington State Marital Status at Arrest County and City Jail Inmates 1999		
Marital Status	County Jail Inmates	City Jail Inmates
Married	11.6%	16.0%
Common Law	2.0%	3.7%
Divorced	22.5%	20.4%
Separated	5.1%	9.9%
Widowed	1.6%	0.0%
Never Married	55.6%	49.4%
Unknown	1.6%	.06%

Source: Vukich and Daniels, 2000

*Lifestyle During Offender's Childhood* – The Bureau of Justice Statistics (BJS) report, *Profile of Jail Inmate's* reported national data for the offenders' lifestyles as children. Many offenders were low-income, raised without a father, and had family members who had been incarcerated. Forty-eight percent lived with a single parent. Forty percent lived in foster homes at some point during their childhood. Forty percent lived

in households that received public assistance. Just over 46 percent had a family member who had been incarcerated (Harlow, 1998).

*Homelessness* – National data shows that in the year prior to admission, 12 percent of offenders who are not parents were homeless. Among incarcerated parents of minor children, mothers reported the greatest rate of homelessness at 18 percent (Mumola, 2000a).

#### Health Factors

##### *Substance Use -*

*Alcohol Use* –Data for Washington State shows that offenders are more likely to abuse alcohol and drugs than the general population. The Department of Social and Health Services (DSHS), Division of Alcohol and Substance Abuse (DASA) provides financial assistance to persons in need of alcohol or substance abuse treatment who cannot afford to pay for the treatment. A 1997 DSHS study revealed that 65.3 percent of the persons in the King County jail needed substance abuse treatment, as did 55.9 percent in the Yakima County jail, and 78.8 percent in the Whatcom County jail (Ryan 16-31).

*Prevalence of Illicit Drug Use* - The 2002 National Survey on Drug Use and Health estimated that 8.3 percent of the non-institutionalized U. S. population, age 12 and older, used illicit drugs during the prior year (US Department of Health and Human Services, Substance Abuse and Mental Health Service Administration 4). Researchers found that 29.1 percent of the 1.8 million adult offenders on parole (or any other type of supervision following release from prison) were current users of illicit drugs.

*Incarceration Related to Drug Offenses* – National data for 2001 found that 34 percent of incarcerated persons nationally were arrested for drug related offenses. In 1996, it was reported that 64.2 percent of jail inmates regularly used drugs before arrest (Harlow, 1998). According to the US Department of Health and Human Services, in 1999, 8 percent of the total Washington state population used some form of illicit drug during 1998.

*Mental Health* - The 2000 Census of State and Federal Adult Correctional Facilities found that nationally, 10 percent of the inmates in state prisons receive psychotropic medication, and 12.5 percent receive mental health therapy or counseling. In Washington State's prisons, 13.1 percent of the population receives psychotropic medication, and 2.6 percent are under 24-hour mental health care (Beck 6, 2001).

*HIV-Positive Prisoners and Prisoners with AIDS* – National data for people in prison found that 520 per 100,000 are HIV positive, compared to 130 per 100,000 in the general United States population. At the end of 2000, 2.2 percent of those confined in state prisons were HIV positive or had AIDS. Among Washington State inmates, 0.6 percent were HIV positive or had AIDS (Muruschak 2, 2000). In 2002, the Washington Department of Health reported that 457 Washington state residents have AIDS -- less than .001 percent of the total population.

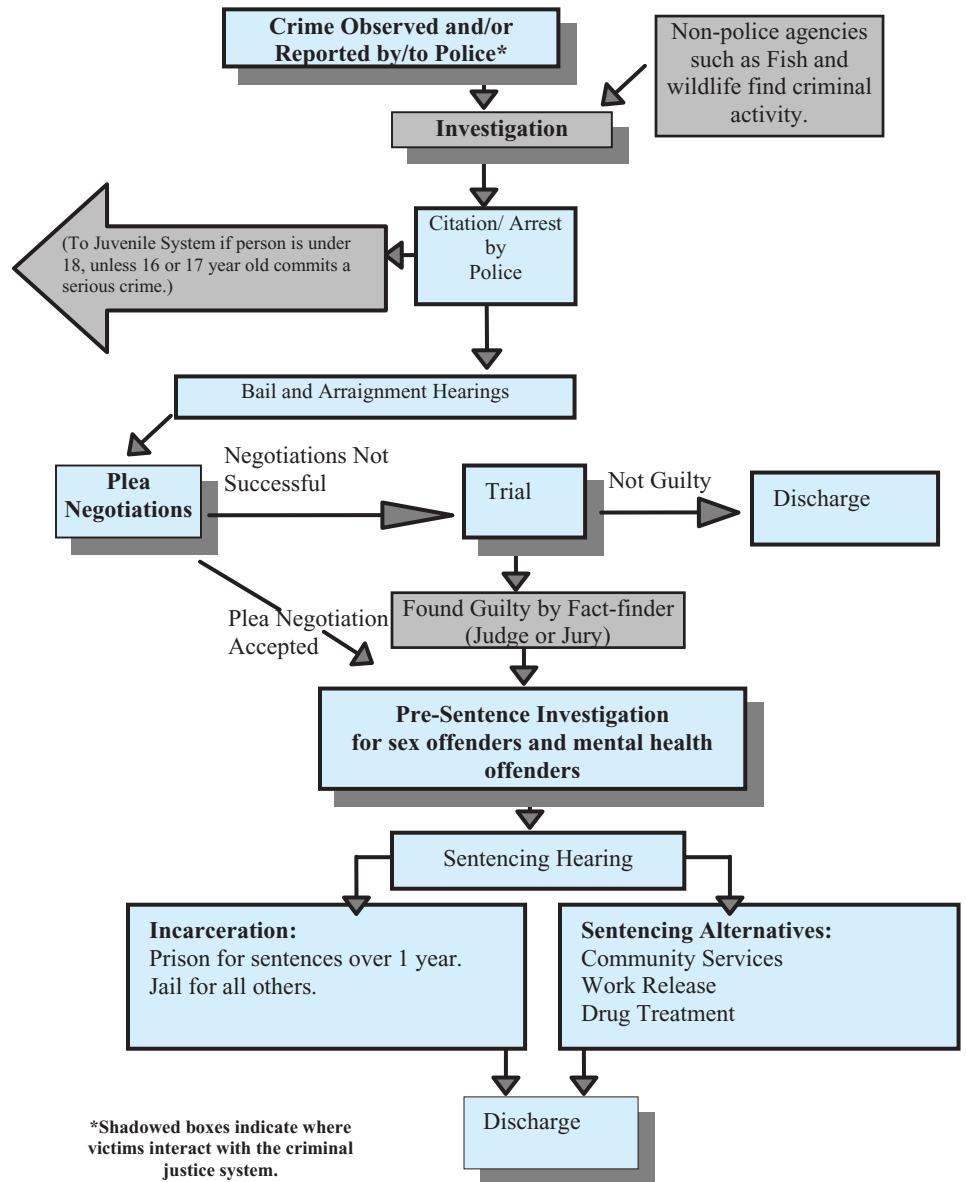
*A 1997 DSHS study found that 65.3 percent of the persons in the King County jail needed substance abuse treatment, as did 55.9 percent in the Yakima County jail, and 78.8 percent in the Whatcom County jail (Ryan 16-31).*

*Among Washington State inmates, 0.6 percent were HIV positive or had AIDS (Muruschak 2).*

## Adult Offenders Navigating the System, From Crime to Punishment

*Crime Investigation* - The system for determining whether an adult suspect is guilty of a misdemeanor or felony crime is complex. Even before a suspect is prosecuted for his or her crime, there are numerous discretionary decision-making points related to the accused perpetrator and the crime. The reported crime undergoes an investigation. A crime observed by a law enforcement officer can result in immediate citation, arrest or referral to the prosecutor. Not all crimes investigated result in the identification of a suspect.

Figure 2-3  
Adult Criminal Justice Flow Chart



Source: State of Washington, Department of Community, Trade and Economic Development, Safe and Drug-Free Communities, 2003

*In 2002, 41,908 felony cases were filed in the Superior Courts of Washington.*

*Arrest* - After the law enforcement officer determines that there is probable cause that a crime has been committed, a suspect may be identified for detention or arrest. A suspect may be detained for 72 hours after arrest before a first appearance hearing where a judge determines whether there was probable cause to arrest. If there is no probable cause the suspect is released. If probable cause is found the suspect may be released or bail is set.

The Washington Department of Corrections (DOC) estimates that, on average, for each 100 crimes reported to a law enforcement agency resulted in 29 arrests. Charges may still be filed at a later date for accused persons who were not charged within 72 hours from the appearance hearing, and subsequently released.

If charges are filed, the suspect, now a defendant, will be arraigned and may be released. At arraignment, the defendant enters a plea of guilty or not guilty.

*Filing Charges* - After arrest, the suspect may or may not be charged with the crime. The prosecutor decides at this juncture, whether to file charges against the accused, drop the case, or reduce the charges. If there are no charges, the accused must be released. DOC estimates that for every 29 arrests, 13 result in Superior Court filed cases. If charges are filed, the suspect may be released on his/her own recognizance, released with posted bail, or may continue to be detained.

The Washington State Administrative Office of the Courts (AOC) compiles statistics on the number and types of cases filed in Superior Court and District Courts, as well as the number of trials and sentences.

Table 2-10 shows that in 2002, 41,908 felony cases were filed in the Superior Courts of Washington. Of these 32,612 plead guilty. The number of Superior Court felony case filings has steadily increased since 1998 (Washington State Caseloads of the Courts).

TABLE 2-10 2002 Felony Cases Filed in Superior Courts	
<b>Total Cases Filed*</b>	<b>41908</b>
Results:	
Not Guilty	304
Plead Not Guilty, Tried, and Found Guilty	1,741
Plead Guilty	32,612
<b>Total Convictions</b>	<b>34353</b>

*\*Total Cases filed includes cases that did not have resolution during 2002.*

*Source: Administrative Office of the Courts, 2002*

*Courts* - After the arraignment, the accused receives a preliminary hearing. At this hearing, the accused may be assigned a defender if he/she cannot afford his/her own legal counsel. At the preliminary hearing, the judge determines if there is probable cause, and whether the crime is within the jurisdiction of the court. If this is not validated, the judge may dismiss the case. After the preliminary hearing, the prosecutor and defender may enter into plea negotiations. The accused

may choose to plead guilty to a lesser charge. Again, many discretionary decisions may occur. An agreed upon plea negotiation may result in the judge accepting the plea or not. If the plea is accepted, the accused will not go to trial; instead, the next phase will be determining an appropriate penalty.

A person accused of a serious crime who does not plead guilty will usually go before a jury, although the accused may waive the right to a jury trial, and ask for the judge to make the determination.

*Convictions* - The trial will result in acquittal or conviction. The Washington State Department of Corrections estimates that the 13 Superior Court filed cases will result in six felony convictions. If convicted, the offender has the right to appeal the decision. Sentencing for felony convictions is based on a determinate sentencing structure. Judges can dictate a sentence outside of the prescribed range, and may also consider sentencing alternatives such as diversion and community service.

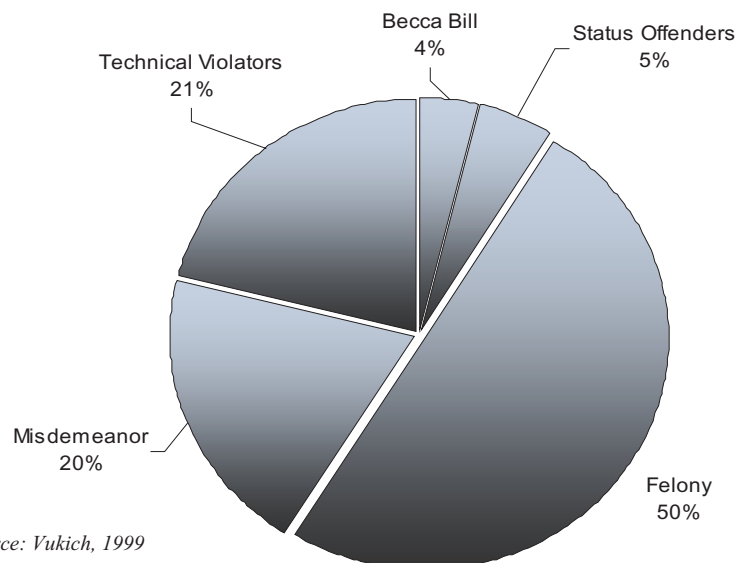
*Corrections* - After conviction and sentencing, the offender will enter the corrections system. The sentences for those who were convicted in table 2-10 included 8,758 prison terms and 20,797 community supervision/probation terms. Offenders sentenced to community supervision usually served a term of confinement in a county jail first. For more information see the Washington Courts web site at [www.courts.wa.gov](http://www.courts.wa.gov).

## Section II: Juvenile Offenders in Washington State

As shown in figure 2-4, the majority of youth confined in juvenile detention facilities in Washington State are there for felony violations (Vukich 1999). A smaller percentage is confined for technical violations and misdemeanors. In 1999, the juvenile arrest rate for violent crimes was 2.85 per 1000 (Governor's Juvenile Justice Advisory Committee).

*While juvenile arrest rates have fallen in the past 10 years, arrests of female youth have increased. In 2001, 15.2 girls per 10,000 were arrested, and 26.9 percent were incarcerated.*

Figure 2-4  
Juveniles Confined in Local Detention Facilities  
By Severity of Current Offense



Source: Vukich, 1999

## Demographics of the Juvenile Offenders Population

*Washington Youth Population* - Juveniles comprise approximately 25 percent of the Washington population, according to the Office of Financial Management (OFM) 2001 population estimates. The highest youth population increase from 1990 to 2001 was the 15-17 year old age group, at 41 percent. Table 2-11 details the race and ethnicity composition for both the Washington state youth population and the Washington state juvenile detention population.

*Youth Detention Population* - In 2000, 33,382 youth were held in Washington detention facilities (Governors Juvenile Justice Advisory Committee 2002). The race and ethnicity composition reflected in table 2-11 shows that most of these youth are white. Proportionately more African American youth (12 percent) are incarcerated.

*In 2000, 33,382 youth were held in Washington detention facilities.*

TABLE 2-11  
Washington Juvenile and Detention Populations  
By Race/Ethnicity  
2000

Race/Ethnicity	Washington Youth Population	Juvenile Detention Population
White	76%	67%
African American	4%	12%
Native American	2%	5%
Asian	5%	3%
Hispanic	12%	10%

Source: Governor's Juvenile Justice Advisory Report, 2001  
OFM 2001 Population Estimates

*Female Juvenile Offenders* - Girls are entering the juvenile system at a higher rate than in the past. While juvenile arrest rates have fallen in the past 10 years, arrests of female youth have increased. In 2001, 15.2 girls per 10,000 were arrested, and 26.9 percent were incarcerated. In 2001, 61 percent of the placements in Secure Crisis Residential Centers (S-CRC) were female. Thirty-five percent of those held were minorities, and the average age was 14.8 years old (Governor's Juvenile Justice Advisory Committee, 2002). The increase in arrest and detention rates place a strain on the current juvenile justice system, which was designed to meet the needs of male offenders.

*Among youth detained in county facilities in 2001, 29 percent were minority. The minority juvenile population increases to 43% in the state JRA facilities (GJJAC).*

*Minority Youth* - Among youth detained in county facilities in 2001, 29 percent were minority. The minority juvenile population increases to 43 percent in the state JRA facilities (Governors Juvenile Justice Advisory Committee, 2002). In Washington, 48 percent of the minority population lives in King and Pierce Counties. In Adams, Franklin and Yakima counties, 40 percent of youth are minorities. Over-representation of minority youth begins at arrest, increases at detention and more than doubles at commitment to the juvenile corrections stage (Governors Juvenile Justice Advisory Committee, 2002). Addressing this disproportionality is one of GJJAC's focus areas.

The GJJAC annual report indicates the following findings as contributing factors to disproportionate representation of minority youth in the

juvenile justice system: A disproportionate number of minority youth are detained prior to adjudication; youth securely detained prior to adjudication are more likely to be subsequently incarcerated; the lack of use by professionals of standardized objective assessments; perceptions of youth problems in terms of how responsible the youth is for the criminal act or how affected the youth is by external forces such as, poverty and family dysfunction; racial differences in crime and arrest; and the minority diversion rate, which is lower than that for white youth. State law requires counties to address minority over-representation in detention facilities and diversion programs.

### Factors Contributing to Juvenile Crime

Factors identified as contributing to juvenile crime include poverty, truancy, parental incarceration, parental and/or juvenile substance abuse, school failure, and minority status.

*Poverty* – The Office of Financial Management (OFM) estimates that 17.5 percent of youth in Washington lived in poverty in 2002. The Washington State Office of the Superintendent of Public Instruction (OSPI) reports that 36 percent of children statewide come from families whose income qualifies them for the National School Lunch and Breakfast programs.

*Truancy* - In 1995, it became a state requirement that school districts file truancy petitions when a student had a number of unexcused absences. The changes in law also made it possible for parents to file truancy petitions. Between January and June of 2002, 9,355 truancy petitions were filed (Governors Juvenile Justice Advisory Committee, 2002).

*Parental Incarceration* – According to Bureau of Justice Statistics (BJS), nationally in 1999, 1,498,800 children under the age of 18 had a parent in prison. Fifty-five percent of state prisoners were reported to have a child under the age of 18. Of these, 35.6 percent of the fathers and 58.5 percent of the mothers confined in state prisons reported that during the month prior to their arrest they lived with their minor children, while 2.4 percent of the parents reported that they had a child in a foster home or agency at the time of their arrest (Mumola, 2000a).

*Substance Abuse* – Among juveniles, a total of 8,811 drug and alcohol related arrests were made in 2001 (Governors Juvenile Justice Advisory Committee 2003). The Washington Survey of Adolescent Health Behaviors 2000 found that 46.8 percent of the grade 12 students used alcohol in the previous 30 days, while 24.4 percent reported the use of marijuana in the previous 30 days.

*School Failure* - The Office of the Superintendent of Public Instruction (OSPI) 2001-02 Graduation and Drop-Out Statistics report shows an annual high school (grades 9-12) dropout rate of 7.7 percent, an increase from the 2000-01 school year. About 31 percent of the class of 2002 did not graduate. Most of those who didn't graduate are considered to have dropped-out. The State Board for Community and Technical Colleges tracks the number of GED certificates issued in Washington. In 2002, a total of 10,603 GED certificates were obtained.

Juvenile youth facing these factors are often placed in foster homes or are in need of “at risk” services. These youth are served through state services.

*Foster Home Placement* - Child in Need of Services (CHINS) petitions allow a parent, child, or DSHS to file a petition for child placement in a foster or group home. In 2001, the number of CHINS filings was reduced to 467 from 585 in 2000 (GJJAC).

*At-Risk Youth* – At-Risk Youth (ARY) are defined by statute to include youth who are away from home without parental permission for more than 72 consecutive hours; who exhibit behaviors that endanger the health, safety and welfare of themselves or others; who are beyond the parent’s control; or who have a substance abuse issue for which there is no pending criminal charge related to the abuse. ARY petitions, which order the child to remain in the home, have increased 180 percent since 1995. In 1995, 749 filings occurred whereas, 2,102 filings occurred in 2001 (GJJAC).

### **Juvenile Offenders Navigating the System, From Crime to Punishment**

The system for juvenile offenders differs from the adult system. The juvenile offender system serves offenders, status offenders, and non-offenders. Non-offenders are youth held in facilities for their health or safety. The annual report of the Office of Juvenile Justice includes the following data on citations, arrests, prosecution, and rehabilitation.

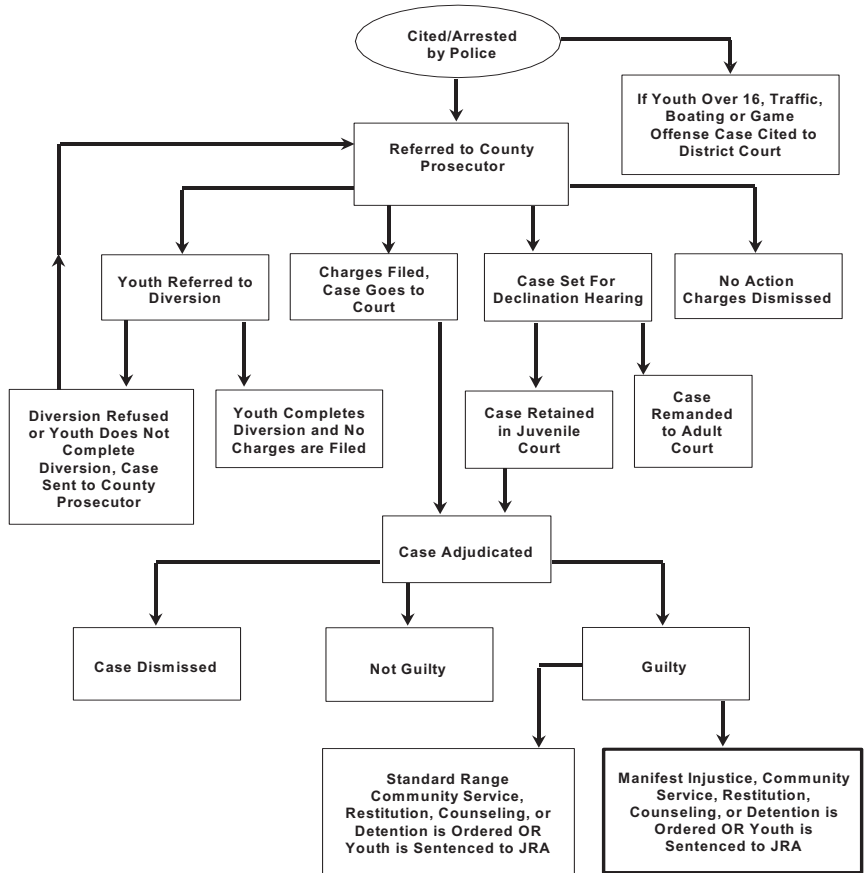
*Citation/Arrest* – Law enforcement officers cite or arrest youth who have committed a criminal or status offense. A total of 46,069 Washington youth were referred for prosecution in 2001 (Governor’s Juvenile Justice Advisory Committee).

*Prosecution* – The prosecutor will refer the youth to a diversion program for a first misdemeanor offense, juvenile court, adult court, or decline to file. For 16 and 17<sup>11</sup> year olds, certain serious offenses must be filed in adult court. The juvenile court may also decline jurisdiction and require juveniles to be tried in adult court after a “decline hearing”. Table 2-12 shows the number of Washington juveniles referred to prosecutors during the time period from January 1 through December 31, 2001, the number of charges filed and the results of these filings. Of the 46,069 referrals made, 71 percent were male. Of the charges filed, a greater number were made against male offenders (78 percent). Diversion programs are community-based accountability boards that can impose sentences consisting of community service, restitution, and other measures. Of the 17,627 cases referred to diversion, 37 percent were female offenders. Of the 95 cases remanded to adult courts, 84 percent were male offenders.

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<sup>11</sup> The Violence Reduction Act of 1994 created a provision in which 16 and 17 year old youth charged with certain violent crimes are automatically transferred to the adult court system.

**FIGURE 2-5**  
Juvenile Justice Flow Chart for Criminal Offenses



Source: Office of Juvenile Justice, 2002

*A total of 46,069 Washington youth were referred for prosecution in 2001.*

**TABLE 2-12**  
January 1-December 31, 2001  
Washington State Juvenile Charges and Diversion

	Referred to Prosecution		Charges Filed		Referred to Diversion		Remanded to Adult Court	
	Count	%	Count	%	Count	%	Count	%
<b>Gender</b>								
Male	32,800	71%	13,368	78%	11,162	63%	80	84%
Female	13,175	29%	3,659	22%	6,474	37%	15	16%
<b>Total Count</b>	<b>46,069*</b>		<b>17,061</b>		<b>17,672</b>		<b>95</b>	

\*This number also includes cases, which did not have action taken or an intake decision made.

Source: Office of Juvenile Justice, 2002 Juvenile Justice Report 51

*Corrections* – Youth sentenced to community service, restitution, counseling or detention will complete the terms of their sentence in their community. Sentencing exceeding time periods of 30 days will result in the youth offender completing the sentence in a state Juvenile Rehabilitation Administration facility. Like adults, youth are sentenced pursuant to a determinate sentencing grid based upon the seriousness of

their offense and their criminal history. See Section 7 Corrections for more detailed information on determinate sentencing.

### Section III: Other Offender Populations in Washington State

*U.S. Military Veterans* - Nationally, 56,500 Vietnam War-era veterans and 18,500 Persian Gulf-era veterans were in federal or state prisons in 1998. Of these, 50.3 percent served during a time of peace, 49.7 percent served during a time of war, and 20 percent of the imprisoned veterans reported combat experience (Mumola, 2000).

*Non-U.S. Citizen Offenders* - DOC reported that as of June 30, 2003, a total of 8.6 percent of state prisoners are citizens of countries other than the United States. There is no data available for local jails. Table 2-13 shows that most non-US citizens incarcerated are from Mexico, Canada, Cuba and Vietnam. Of the 8.6 percent state prisoners that are non-US citizens, more than half, 4.8 percent are from Mexico (Washington State Department of Corrections, 2003).

TABLE 2 –13 Department of Corrections Non-US Citizen Offenders June 2003	
Country of Citizenship	Percentage
Mexico	4.8%
Canada	.2%
Cuba	.2%
Vietnam	.4%
Other	1.9%
Unknown	1.1%
<b>Total</b>	<b>8.6%</b>

Source: Washington State Department of Corrections, 2003

Washington law allows foreign nationals to volunteer for deportation in return for a suspended prison sentence. (RCW 9.94A.280) For some non- U. S. citizen offenders, deportation and permanent exclusion from the United States *prior* to completion of a prison term is preferable to deportation and permanent exclusion from the United States *following* a prison term.

### Section IV: Offenders' Legal Rights

The consequences of a felony conviction extend beyond the loss or restriction of liberty. Certain offenders are denied some rights and government benefits as a consequence of the conviction. This report does not try to attempt to cover every possible loss of liberty.

*Washington is among the most restrictive states in denying the right to vote to citizens convicted of one felony offense (Kuzma 1996).*

*At the time of the November, 1996 election, 3.7% of the adult population in Washington and 2% of the adult population in the United States was not eligible to vote due to a felony conviction.*

*Right to Vote Denied* - The right to vote in Washington is denied to anyone convicted of an offense punishable by confinement in a state correctional facility.<sup>12</sup> (RCW 29.01.080) Effective July 1, 2004, the statute language will specify that persons convicted of a felony in either state or federal court will be ineligible to vote. (RCW 29A.08.520) At the time of the November, 1996 election, 3.7 percent of the adult population in Washington and 2 percent of the adult population in the United States was not eligible to vote due to a felony conviction. (American Civil Liberties Union of Washington, 2002) Washington is among the most restrictive states in denying the right to vote to citizens convicted of one felony offense (Kuzma 1996). Convicted felons also lose the right to hold an elected office, as being a qualified contender requires a voter's registration.

Conviction history reported on a job application may also affect employability. Persons convicted of certain felonies are excluded by federal law from work in some businesses or are not eligible for certain occupational licenses. Additionally those with certain sexual offenses are prohibited from employment in schools and in situations of unsupervised access to children (9.96a.020(1), (2).).

*Right to Enlist Denied* – Felony offenders are not eligible to enlist in the U.S. military, unless an exception is made (US Department Of Justice 3).

*Employability* - Felony conviction history disclosed on a job application is likely to reduce the individual's chances of being hired (Petersilia 116). Employers are allowed to consider a felony record in the hiring decision, and to discharge employees who fail to disclose a felony conviction (Petersilia 116, 2003). Discrimination based on conviction history violates federal law unless there is a business necessity, according to the EEOC. (<http://www.doleta.gov/documents/hard.html>.)

*Federal and State Government Benefits Denied* – Federal and state government benefits that provide a safety net for those who cannot afford adequate nutrition, health care, shelter, and education may be denied to felons convicted of some drug offenses after September 1, 1989 (US Department Of Justice 9).

*Temporary Assistance for Needy Families* - The 1996, federal welfare reform law denies eligibility for food stamps and temporary assistance to needy families (TANF) to persons convicted of committing a drug offense on or after August 22, 1996. Washington state exercised the right to make exceptions to this mandate, and choose not deny TANF or food stamps to drug offenders convicted of only possession or use of an illegal drug, who do not have a drug offense conviction in the preceding 3 years, who are assessed to be chemically-dependant by a

<sup>12</sup> Persons convicted of a felony committed after July 1, 1984 are eligible to vote after the sentencing court has issued a certificate of discharge. It is the responsibility of DOC to notify the court when an offender fulfills the terms of his or her sentence. Legislation passed in 2002 requires the court to notify ex-offenders when their certificate of discharge has been issued (Administrative Office of the Courts). Persons convicted of a felony committed before July 1, 1984 who have completed 36 months of parole may be able to obtain a certificate of discharge from the Indeterminate Sentence Review Board (ACLU). Additional information about restoration of the right to vote can be found in Chapter 9 of the Revised Code of Washington. An offender's right to vote, serve on a jury, or hold elected office is restored upon issuance of a certificate of discharge.

Division of Alcohol and Substance Abuse certified program, and who are participating in a rehabilitation plan that includes chemical dependency treatment and job services (WAC 388-442-0010). In the 2004 Legislative Session, the Washington legislature passed a bill that overrides the federal law and allows drug felons to receive food stamps.

*Subsidized Public Housing* – Sex offenders, who are required by state law to register for the rest of their lives, are not allowed to live in federally subsidized public housing (US Department Of Justice 10).

*Pell Grants* – Some offenders prosecuted for state and federal drug related crimes including possession of illegal drugs are denied student financial aid such as Federal Pell grants or Stafford loans for specified time periods (U.S. Department of Education).

### **Vacation of Conviction Records**

Many ex-offenders are eventually eligible for reversal of these barriers and civil disabilities. Washington law provides a right to offenders under certain circumstances to ‘vacate’ their criminal history record. A vacated record remains available to law enforcement but is generally not subject to public disclosure (RCW 9.96.060). Once a person’s criminal record is vacated, the person is no longer required to report the conviction on job applications (RCW 9.96A.020). The restoration of civil rights occurs through a certificate of discharge from the Indeterminate Sentence Review Board (for crimes committed before July 1984), the sentencing court (for persons on probation or suspended sentence) or application to the Clemency and Pardons board (Kuzma, 1996).

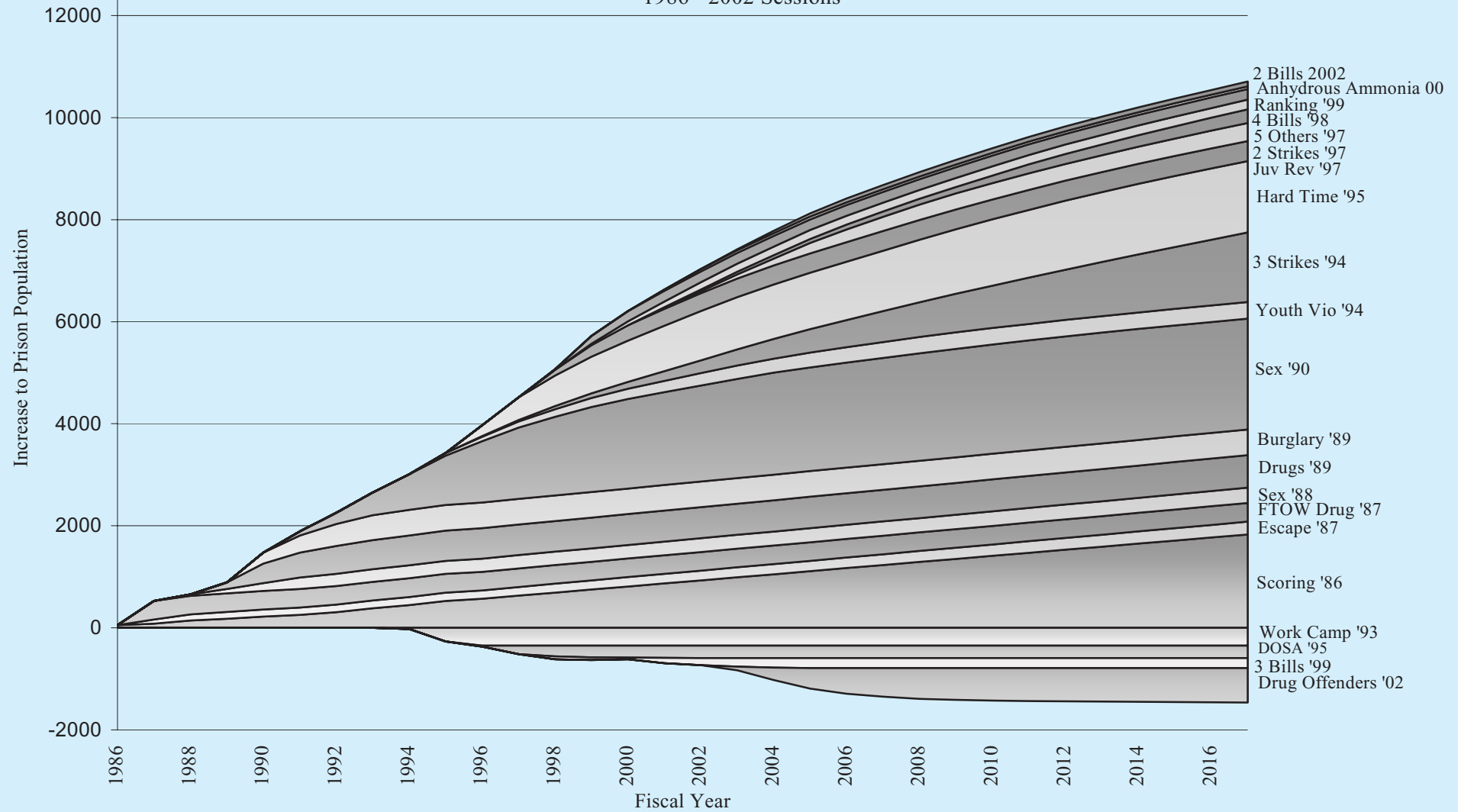
### **Section V:**

#### **The Impact of Public Policy Changes on Incarceration Rates for Offenders in Washington State**

Changes in public policy, sentencing guidelines, juvenile codes and other factors have contributed to the increase of the imprisoned offender population. The corrections chapter has more information on the specific policies that have promoted these changes. In addition, in 1997 the legislature expanded the list of juvenile crimes that can be automatically transferred to the adult courts, and revised the juvenile sentencing structure. Since these provisions were enacted, the number of cases transferred to the adult system has tripled (Barnoski, 2003). To date, there is no consistent evidence that shows whether placement in the juvenile or adult system increases or decreases recidivism. Figure 2-6 shows the projected effects of these policy changes.

*Changes in public policy, sentencing guidelines, juvenile codes and other factors have contributed to the increase of the imprisoned offender population.*

Figure 2-6  
Cumulative Effects of Criminal Justice Legislation in Washington State  
1986 - 2002 Sessions



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